

MSQN-01750

December 30, 2008

Ms. Lucy Vanderberg, Executive Director
NJ Council on Affordable Housing
101 South Broad Street
PO Box 813
Trenton, NJ 08625-0813

**Re: COAH Substantive Certification Petition Application
Borough of Manasquan, Monmouth County**

Dear Ms. Vanderberg:

On behalf of the Borough of Manasquan, T&M Associates is submitting the Borough petition for substantive certification of the Borough Housing Plan Element and Fair Share Plan. The enclosed documentation is for your use in reviewing Manasquan's petition for substantive certification:

1. COAH Petition Application with supporting documentation
 - i. Workbook A
 - ii. Development Fee Ordinance with certified resolution
 - iii. Spending Plan with resolution requesting approval
 - iv. Municipal Housing Liaison Ordinance
 - v. Housing Element and Fair Share Plan
 - vi. Planning Board Resolution of Adoption of Housing Plan
 - vii. Governing Body Resolution of Endorsement of Housing Plan and Petition for Certification
 - viii. Service List

If you have any questions, please call me at (732) 671-6400.

Very truly yours,

T&M ASSOCIATES


RICHARD CRAMER, A.I.C.P., P.P.
PLANNING CONSULTANT

RSC:VZM:BLH:lfm

Enclosure

c: The Honorable George R. Dempsey, Jr., Mayor
John T. Trengrove, Municipal Administrator (w/enclosure)
Colleen Scimeca, RMC, CMC, Municipal Clerk (w/enclosure)
Kenneth B. Fitzsimmons, Esq., Municipal Attorney (w/enclosure)
Jeffery Surenian, Esq., Special Council (w/ enclosure)
Nancy Holm, Esq. (w/enclosure)

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PETITION APPLICATION CHECKLIST AND
SUPPORTING DOCUMENTATION FOR SUBSTANTIVE
CERTIFICATION OF THE HOUSING PLAN ELEMENT
AND FAIR SHARE PLAN

Borough of Manasquan
Monmouth County, New Jersey

December 2008

COAH Petition Checklist Attachments

- i. Workbook A
- ii. Development Fee Ordinance with Certified Resolution
- iii. Spending Plan with Resolution Requesting Approval
- iv. Municipal Housing Liaison Ordinance and Resolution
- v. Housing Element and Fair Share Plan
- vi. Planning Board Resolution of Adoption of Housing Plan
- vii. Governing Body Resolution of Endorsement of the Housing Element and Petition for Certification
- viii. Service List

Compiled by:

T&M Associates
11 Tindall Road
Middletown, NJ 07748
Phone: 732-671-6400
Fax: 732-671-7365

COAH Petition Checklist

- | | |
|----|------------|
| i. | Workbook A |
|----|------------|

Workbook A: Growth Share Determination Using Published Data
(Using Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections

Must be used in all submissions

Municipality Name:

Borough of Manasquan

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2) *	27	-239
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
built or projected to be built post 1/1/04		
Inclusionary Development	0	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		0
4 Net Growth Projection	27	-239
5 Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	5.40 Affordable Units	0.00 Affordable Units
6 Total Projected Growth Share Obligation		5 Affordable Units

* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Borough of Manasquan

Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04

Development Type

Number of COs
Issued and/or Projected

Supportive/Special Needs Housing
Accessory Apartments
Municipally Sponsored and 100% Affordable
Assisted Living
Other

Total

0

Market and Affordable Units in Prior Round Inclusionary Development

Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
Total		0	0	0	0

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
Total	0	0

[Return To Workbook A Summary](#)

COAH Petition Checklist

- | | |
|-----|--|
| ii. | Development Fee Ordinance with
Certified Resolution |
|-----|--|

BOROUGH OF MANASQUAN
ORDINANCE NO. 2042-08

AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 35 (ZONING) OF THE CODE OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY,
NEW JERSEY, BY REVISING THE MANDATORY
AFFORDABLE HOUSING DEVELOPMENT FEE
REQUIREMENTS PURSUANT TO P.L.2008,C.46
SECTION 8 (C.52:27D-329.2) AND THE STATEWIDE
NON-RESIDENTIAL DEVELOPMENT FEE ACT
(C.40:55D-8.1 THROUGH 8.7)

BE IT ORDAINED by the Borough Council of the Borough of Manasquan, in the
County of Monmouth and State of New Jersey, as follows:

Section 1. Section 35-35 (**Mandatory Affordable Housing Development Fees**) of Chapter 35 (Zoning) of the Code of the Borough of Manasquan is repealed.

Section 2. New Section 35-35 (**Mandatory Affordable Housing Development Fees**) of Chapter 35 (Zoning) of the Code of the Borough of Manasquan is enacted as follows:

Section 35-35.1 Findings and Purpose.

- a. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-

residential development.

- c. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

Section 35-35.2 Basic requirements.

- a. This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- b. The Borough of Manasquan shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

Section 35-35.3 Definitions.

- a. The following terms, as used in this ordinance, shall have the following meanings:
 1. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a Borough construction project or a 100 percent affordable development.
 2. "COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
 3. "Development fee" means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

4. "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
5. "Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the Borough of Manasquan, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
6. "Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

Section 35-35.4 Residential Development Fees.

- a. Imposed fees. Within the zoning districts specified, residential developers, except for developers of the types of development specifically exempted, shall pay a fee of one-half of one (0.5%) percent of the equalized assessed value, provided no increased density is permitted.
 1. In the R-1, R-2, and R-3 One-Family Residential, R-4 Beachfront One-Family Residential, R-5 One-Family, R-M Multi-Family Residential, and R-PM Planned Multi-Family Residential Zones, where a developer develops land for residential purposes and receives no right to increased density, the developer shall pay a development fee of one-half of one (0.5%) percent of the equalized assessed value.

2. In those circumstances where a developer secures the right to increased density resulting from a variance granted pursuant to N.J.S.A. 40:55D-70d (a "d" or "use" variance), then the additional residential units realized (above what is permitted by right under the existing zoning), the developer will incur a bonus development fee. The developer shall pay a fee of one-half of one (0.5%) percent of equalized assessed value for all base units and six (6%) percent of equalized value for all bonus units. If there has been an ordinance adopted within two (2) years prior to the filing of the "d" variance application that decreases the density permitted on the subject property, the base density, for the purpose of calculating the six (6%) percent bonus shall be the highest density permitted by right during the two (2) years preceding the filing of the "d" variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 0.5% of the equalized assessed value on the first two units; and 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

3. Sites in the R-PM Planned Multi-Family Residential Zone that require a percentage of housing units to be set aside for low and moderate income households and that the Borough elects to allow the developer to pay a fee in lieu of constructing some or all of the number of low and moderate units otherwise required, the developer and Borough shall enter into an agreement allowing the developer to pay a fee in an amount equal to the cost of subsidizing the affordable units. The fee amount shall be not less than the subsidy required payment in lieu amount as determined

by COAH for the applicable housing region pursuant to N.J.S.A.5:97-6.4(c).

- b. Eligible exactions, ineligible exactions and exemptions for residential development.
 - 1. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - 2. Developments that have received preliminary or final site plan approval prior to the adoption of the Borough of Manasquan development fee ordinance shall be exempt from the development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - 3. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, provided the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure subject to the following provision for residential expansions and additions.
 - a. Residential additions and expansions that result in an increase in equalized assessed value (EAV) that are equal to, or less than, fifty percent (50%) of the EAV of the original structure shall not be subject to a fee, provided that the expansion does not increase the number of dwelling units. However, if a property owner applies for two (2) or more construction permits within a five (5) year period, then the cumulative increase in EAV

compared to the EAV of the original structure shall be used to determine the percentage increase in the EAV.

Example: if in Year One, the EAV is \$200,000, and the property owner constructs an addition which increases the EAV to \$300,000, then the addition is exempt from the payment of a development fee since the increase in equalized assessed value of \$100,000 is fifty percent (50%) of the EAV of the original structure.

$(\$300,000 - \$200,000 = \$100,000)$ which is equal to 50% of the EAV of the original structure $(\$100,000 / \$200,000 = 0.50 \text{ or } 50\%)$.

If in Year Three, the property owner seeks to construct a second addition that increases the EAV by an additional fifty thousand (\$50,000) dollars, then the property owner would have to pay a development fee because the cumulative increase to the original EAV is more than 50%. In that case, the fee would be based on the total cumulative increase in EAV of \$150,000.

$(\text{Original EAV } (\$200,000) + \text{EAV increase of Year One addition } (\$100,000) + \text{EAV increase of Year Three } (\$50,000) = \text{New EAV } (\$350,000))$. $\text{New EAV } (\$350,000) - \text{Original EAV } (\$200,000) = \text{Cumulative EAV Increase } (\$150,000)$ which is equal to 75% of the EAV of the original structure $(\$150,000 / \$200,000 = 0.75 \text{ or } 75\%)$.

4. The Borough exempts the following types of development from residential development fees:
 - a. Nonprofit organizations, which have received tax exempt status pursuant to Section 501(c) 3 of the Internal Revenue Code, providing evidence of that status is submitted to the Borough Clerk and the Borough Tax Assessor together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay such charges.

- b. Federal, state, county, and local governments.
- c. Reconstruction of existing owner occupied residential structures as a result of fire, flood or natural disaster.

Section 35-5.5 Non-residential Development Fees.

a. Imposed fees.

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half (2.5) percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
4. Eligible exactions, ineligible exactions and exemptions for non-residential development.
 - a. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half (2.5) percent development fee, unless otherwise exempted below.

- b. The two and one-half (2.5) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- d. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- e. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances shall be enforceable by the Borough of Manasquan as a lien against the real property of the owner.

Section 35-35.6 Collection Procedures.

- a. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to

notify the construction official responsible for the issuance of a building permit.

- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Borough Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The construction official responsible for the issuance of a building permit shall notify the Borough Tax Assessor of the issuance of the first building permit for a development, which is subject to a development fee.
- d. Within 20 days of receipt of that notice, the Borough Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e. The construction official responsible for the issuance of a final certificate of occupancy notifies the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should the Borough of Manasquan fail to determine or notify the developer of the amount of the development fee within 10 business days

of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

- h. Fifty (50) percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i. Appeal of development fees
 - 1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Manasquan. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Manasquan. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date

of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

Section 35-35.7 Affordable Housing Trust Fund

- a. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Borough Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. payments in lieu of on-site construction of affordable units;
 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. rental income from municipally operated units;
 4. repayments from affordable housing program loans;
 5. recapture funds;
 6. proceeds from the sale of affordable units; and
 7. any other funds collected in connection with the Borough of Manasquan's affordable housing program.
- c. Within seven days from the opening of the trust fund account, the Borough of Manasquan shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

Section 35-35.8 Use of Funds.

- a. The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Borough of Manasquan's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- b. Funds shall not be expended to reimburse the Borough of Manasquan for past housing activities.
- c. At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.

1. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 2. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner may entitle the Borough of Manasquan to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d. The Borough of Manasquan may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e. No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring

requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

Section 35-35.9 Monitoring.

- a. The Borough of Manasquan shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Manasquan housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

Section 35-35.10 Ongoing Collection of Fees

- a. The ability for the Borough of Manasquan to impose, collect and expend development fees shall expire with its substantive certification unless the Borough of Manasquan has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Borough of Manasquan fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Borough of Manasquan shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the

Borough of Manasquan retroactively impose a development fee on such a development. The Borough of Manasquan shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

Section 3. Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 4. Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Effective Date.

This ordinance shall take effect upon final passage and publication according to law and filing with the Monmouth County Planning Board and approval by COAH pursuant to N.J.A.C. 5:96-5.1.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2042-08 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, on the 17th day of November, 2008, and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 8:00 p.m. on the 8th day of December, 2008. At such time and place, or at any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at

the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

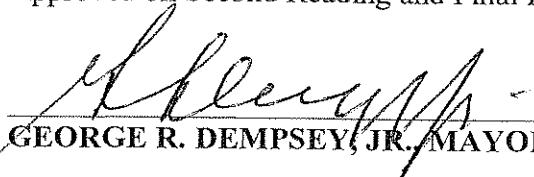


COLLEEN SCIMECA, RMC, CMC
Municipal Clerk

KENNETH B. FITZSIMMONS
Municipal Attorney
501 Trenton Avenue
Point Pleasant Beach, NJ 08742

Passed on First Reading and Introduction: 11-17-08

Approved on Second Reading and Final Hearing: 12-8-08



GEORGE R. DEMPSEY, JR., MAYOR

BOROUGH OF MANASQUAN
RESOLUTION NO. 143-08

RESOLUTION OF THE BOROUGH COUNCIL OF
THE BOROUGH OF MANASQUAN, MONMOUTH
COUNTY, NEW JERSEY, REQUESTING REVIEW
AND APPROVAL OF A DEVELOPMENT FEE
ORDINANCE BY THE COUNCIL ON AFFORDABLE
HOUSING.

WHEREAS, pursuant to revised third round procedural regulations adopted by the Council on Affordable Housing ("COAH"), the Borough of Manasquan ("Manasquan") must adopt a revised Housing Element and Fair Share Plan and petition for substantive certification by December 31, 2008 to remain under COAH's jurisdiction; and

WHEREAS, P.L.2008, c.46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46, Section 8 (C.52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by COAH that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d);
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);

5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, Manasquan has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Section 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 8th day of December, 2008, as follows:

1. The Borough Council respectfully requests that COAH review and approve Manasquan's fee development ordinance, a copy of which is attached and made part of this resolution.

2. A certified copy of this Resolution shall be sent to:

State of New Jersey
Council on Affordable Housing
101 South Broad Street
P.O. Box 813
Trenton, NJ 08625-0813

Attention: Lucy Vandenberg
Executive Director

CERTIFICATION

I, COLLEEN SCIMECA, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on December 8, 2008.


COLLEEN SCIMECA, RMC, CMC
Municipal Clerk

COAH Petition Checklist

- iii. Spending Plan with Resolution
Requesting Approval

Affordable Housing Trust Fund Spending Plan

Prepared for

*Borough of Manasquan
Monmouth County, New Jersey*

Prepared December 2008:



Eleven Tindall Road
Middletown, NJ 07748
(732) 671-6400

OVERVIEW

This Spending Plan for the Borough of Manasquan reflects the latest amendments to COAH's rules as adopted in October 2008. In addition to demonstrating how Borough affordable housing trust funds will be expended, the spending plan is coordinated with the implementation schedule of the fair share plan. The spending plan provides a basis for demonstrating realistic opportunity of each proposed affordable housing option that relies on affordable housing trust funds as well as a basis for the affordable housing delivery mechanisms that are the subject of an implementation schedule. The Borough is required to spend existing balances as of July 17, 2008 within four years of the date the Borough's spending plan is approved by the Council. To ensure timeliness of fund expenditures, there is a requirement to spend or contractually commit newly collected funds within three years from the calendar year in which those funds were collected. Spending may be through a revolving loan, no-interest loans, forgivable loans, below-market loans, bridge loans, a hybrid loan and grant program, etc.

This plan is organized into five sections that address the standard information required by N.J.A.C. 5:97-8.10. A process describing the collection and distribution procedures for barrier free escrow funds pursuant to N.J.A.C. 5:97-8.5 will be provided separately within the Borough's Affordable Housing Ordinance.

COAH staff will be utilizing the actual collections, expenditure and balances reported in the Borough affordable housing trust fund monitoring submitted to COAH via the Computer Tracking and Monitoring (CTM) system.

INTRODUCTION

The Borough of Manasquan, Monmouth County, has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on August 25, 2000 and adopted by the municipality on October 2, 2000. The fee ordinance is the subject of a further amendment adopted on December 8, 2008 by the Borough and submitted to COAH for approval. The ordinance as amended establishes the Borough of Manasquan affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, the Borough of Manasquan has collected \$1,175,364.48, expended \$252,132.15, resulting in a balance of \$ 923,232.33. However, the Borough will be refunding collected development fees, which, once deducted, leaves the Borough with an adjusted available balance of \$410,000 as of July 17, 2008. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Provident Bank, Manasquan for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

The Borough of Manasquan first petitioned COAH for substantive certification on March 10, 2000 and received prior approval to maintain an affordable housing trust fund on August 25, 2000. As of December 31, 2004, the prior round balance remaining in the affordable housing trust fund was \$457,971.77. From January 1, 2005 through July 17, 2008, the Borough of Manasquan collected an additional \$717,392.71 in development fees, payments in lieu of construction, other funds, and/or interest. From January 1, 2005 through July 17, 2008, the Borough of Manasquan expended funds on the affordable housing activities detailed in section 4 of this spending plan.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, the Borough of Manasquan considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:

No payments in lieu (PIL) have been collected by the Borough to date.

(c) Other funding sources:

No funds from other sources have been collected to date, and are not anticipated to be collected.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018											
	7/18/08 Through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:	\$1,186	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$781,186
1. Approved Development	\$1,186	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,186
2. Pending Development Approval	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
3. Projected Development	\$0	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$780,000
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(c) Other Funds (Specify source(s))	\$27	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$27
(d) Interest*	\$4,479	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$39,479
Total	\$5,692	\$81,500	\$81,500	\$81,500	\$81,500	\$81,500	\$81,500	\$81,500	\$81,500	\$81,500	\$81,500	\$820,692

Affordable Housing Trust Fund interest was projected using a year end balance of \$350,000 and an annual interest rate of 1%

The Borough of Manasquan projects a total of \$820,692 in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough of Manasquan:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with The Borough of Manasquan's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

The Borough Administrator recommends the expenditure of Development Fee revenues to the Borough Council as set forth in the Spending Plan. The Borough Council reviews the request for consistency with the Spending Plan and adopts a resolution authorizing the use and release of the funds in accordance with the COAH-approved Spending Plan. Once a request is approved, the Chief Financial Officer releases the revenues from the Affordable Housing Trust Fund for the specific use per Borough Council resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

The Borough of Manasquan will dedicate \$673,800 to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: \$448,800

The Borough will address its rehabilitation obligation through its continued participation in the Monmouth County Housing Improvement Program. The program is administered by the Monmouth County Community Development Program through an intergovernmental agreement between Manasquan Borough and Monmouth County. The Borough will continue to use development fees to fund housing rehabilitation within the Borough.

New construction project(s): Accessory Apartment Program \$225,000

The Borough will address its growth share obligation through an accessory apartment program that the Borough will fund with development fees.

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Projected minimum affordability assistance requirement:

Actual development fees through 7/17/2008		\$410,000.00
Actual interest earned through 7/17/2008	+	\$25,000.00
Development fees projected* 2008-2018	+	\$781,186.00
Interest projected* 2008-2018	+	\$39,478.54
Less housing activity expenditures through 6/2/2008	-	(\$238,800.00)
Total	=	\$1,016,864.54
30 percent requirement	x 0.30 =	\$305,059.36
Less affordability assistance expenditures through 12/31/2004	-	\$0.00
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	=	\$305,059.36
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	÷ 3 =	\$101,686.45

The Borough of Manasquan will dedicate \$305,059.36 from the affordable housing trust fund to render units more affordable, including \$101,686.45 to render units more affordable to households earning 30 percent or less of median income by region. The Borough will expend its affordability assistance funds on programs including, but not limited to providing rental assistance and converting low-income units to very-low-income units as part of its accessory apartment program.

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

The Borough of Manasquan projects that \$251,138.33 will be available from the affordable housing trust fund to be used for administrative purposes. The Borough will expend its administrative funds on costs including, but not limited to salaries and benefits for municipal employees or consultant fees necessary to develop or implement an affordable housing program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with Council monitoring requirements.

4. EXPENDITURE SCHEDULE

The Borough of Manasquan intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

PROJECTED EXPENDITURE SCHEDULE 2009-2018														
Program	Number of Units Projected	Funds Expended and/or Dedicated	7/18/08 - 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Rehabilitation	21 *	\$238,800	\$0	\$30,000	\$30,000	\$30,000	\$30,000	\$20,000	\$20,000	\$20,000	\$20,000	\$10,000	\$694	\$449,494
Accessory Apartments	10	\$0	\$0	\$45,000	\$45,000	\$45,000	\$25,000	\$20,000	\$25,000	\$20,000	\$0	\$0	\$0	\$225,000
Total Programs	2	\$238,800	\$0	\$75,000	\$75,000	\$75,000	\$55,000	\$40,000	\$45,000	\$40,000	\$20,000	\$10,000	\$694	\$674,494
Affordability Assistance	-----	\$0	\$0	\$30,506	\$30,506	\$30,506	\$30,506	\$30,506	\$30,506	\$30,506	\$30,506	\$30,506	\$30,506	\$305,059
Administration	-----	\$8,521	\$21,779	\$22,084	\$22,084	\$22,084	\$22,084	\$22,084	\$22,084	\$22,084	\$22,084	\$22,084	\$22,084	\$251,138
Total	41	\$247,321	\$21,779	\$127,590	\$127,590	\$127,590	\$107,590	\$92,590	\$97,590	\$92,590	\$72,590	\$62,590	\$53,284	\$1,230,692

*The Borough has completed ten (10) units of its 31-unit rehabilitation obligation through its participation in the Monmouth County Housing Improvement Program and the Manasquan Rehabilitation Program

5. EXCESS OR SHORTFALL OF FUNDS

In the event that a shortfall of anticipated revenues occurs, the Borough of Manasquan will adopt a resolution with intent to bond. .

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used for eligible affordable housing activities as permitted by COAH regulations.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Borough of Manasquan's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

The Borough of Manasquan intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated December 2008.

The Borough of Manasquan has a balance of \$410,000 as of July 17, 2008 and anticipates an additional \$820,692 in revenues before the expiration of substantive certification for a total of \$1,230,691.54. The Borough will dedicate \$674,494 towards continuing its rehabilitation program and implementing an accessory apartment program, \$305,059 to render units more affordable, and \$251,138 for administrative costs. Any shortfall of funds will be offset by a resolution with intent to bond. The Borough will dedicate any excess funds toward eligible affordable housing activities as permitted by COAH regulation.

SPENDING PLAN SUMMARY	
Balance as of July 17, 2008	\$410,000.00
PROJECTED REVENUE July 18, 2008-2018	
Development fees	\$781,186
Payments in Lieu of Construction	\$0
Other funds	\$27
Interest	\$39,479
	\$820,692
TOTAL REVENUE	\$1,230,691.54
EXPENDITURES	
Funds used for Rehabilitation	\$449,494
Funds used for New Construction	
Accessory Apartment Program	\$225,000
Affordability Assistance	\$305,059
Administration	\$251,138
Excess Funds for Additional Housing Activity	\$0
TOTAL PROJECTED EXPENDITURES	\$1,230,692
REMAINING BALANCE	\$0.00

**BOROUGH OF MANASQUAN
RESOLUTION
153-08**

**Resolution of Borough Council Requesting
Review and Approval of Manasquan
Borough, County of Monmouth Affordable
Housing Trust Fund Spending Plan**

WHEREAS, the Governing Body of Manasquan Borough, County of Monmouth petitioned the Council on Affordable Housing (COAH) for substantive certification on December 29, 2008 and

WHEREAS, Manasquan Borough, County of Monmouth requested COAH's approval of its development fee ordinance on December 8, 2008; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, and proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;

10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, Manasquan Borough has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Manasquan Borough, County of Monmouth requests that COAH review and approve Manasquan Borough's spending plan.

I, Colleen Scimeca, Municipal Clerk of the Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at their meeting held on December 29, 2008.

December 29, 2008
Date

Colleen Scimeca
COLLEEN SCIMECA, RMC, CMC
Municipal Clerk

COAH Petition Checklist

- iv. Municipal Housing Liaison
Ordinance and Resolution

BOROUGH OF MANASQUAN
ORDINANCE NO. 2044-08

AN ORDINANCE CREATING THE POSITION OF
MUNICIPAL HOUSING LIAISON FOR THE PURPOSE
OF ADMINISTERING THE AFFORDABLE HOUSING
PROGRAM PURSUANT TO THE FAIR HOUSING ACT
IN AND BY THE BOROUGH OF MANASQUAN,
MONMOUTH COUNTY, NEW JERSEY.

BE IT ORDAINED, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, that the following amends and supplements Chapter 35 (Zoning) of the Municipal Code:

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution by the Borough of Manasquan ("Manasquan") of its responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

Municipal Housing Liaison – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Manasquan.

Administrative Agent – The person or entity responsible for administering the affordability controls of some or all units in the affordable housing program for Manasquan to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

A. There is hereby established the position of Municipal Housing Liaison.

- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Borough Council, and may be a full- or part-time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Manasquan, including the following responsibilities, which may not be contracted out, exclusive of item 6, which may be contracted out:
 - (1) Serving as Manasquan's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all restricted units in Manasquan's Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Manasquan.
- D. Subject to approval by COAH, Manasquan may contract with or authorize a consultant, authority, government or any agency charged by the Borough Council, which entity shall have the responsibility of administering the affordable housing program of Manasquan, except for those responsibilities which may not be contracted out pursuant to subsection C. above. If Manasquan contracts with another entity to administer all or any part of the affordable housing program, including

the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.

E. Compensation shall be fixed by the Borough Council at the time of the appointment of the Municipal Housing Liaison.

F. The administrative powers and duties assigned to the Municipal Housing Liaison shall be the five required responsibilities outlined in C. above. All other duties will be delegated to an approved Administrative Agent.

Section 4. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent ordinances repealed.

All ordinances or parts of ordinances, which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 35 of the Code of the Borough of Manasquan not inconsistent herewith are ratified and confirmed.

Section 6. Effective date.

This ordinance shall become effective immediately following its final passage and publication as required by law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2044-08 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, on the 8th day of December, 2008, and was then read for the first time. The said ordinance will be further considered for final

passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 8:00 p.m. on the 22nd day of December, 2008. At such time and place, or at any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.



COLLEEN SCIMECA, RMC, CMC
Municipal Clerk

KENNETH B. FITZSIMMONS
Borough Attorney
501 Trenton Avenue
Point Pleasant Beach, NJ 08742

BOROUGH OF MANASQUAN
RESOLUTION NO. 140-08

RESOLUTION OF THE BOROUGH COUNCIL OF
THE BOROUGH OF MANASQUAN, MONMOUTH
COUNTY, NEW JERSEY APPOINTING JOHN T.
TRENGROVE AS MUNICIPAL HOUSING LIAISON.

WHEREAS, the Borough of Manasquan ("Manasquan") was granted substantive certification of its Housing Element and Fair Share Plan by the Council on Affordable Housing (COAH) on March 14, 1994; and

WHEREAS, Manasquan will file a revised plan and petition for substantive certification of that plan by the December 31, 2008 deadline; and

WHEREAS, Manasquan's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:96-17 and N.J.A.C. 5:80-26.1 et. seq., Manasquan is required to appoint a Municipal Housing Liaison for the administration of Manasquan's affordable housing program to enforce the requirements of N.J.A.C. 5:96-17 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, Manasquan has amended Chapter 35 (Zoning) of the Municipal Code to provide for the appointment of a Municipal Housing Liaison to administer Manasquan's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County New Jersey on this 22nd day of December, as follows:

1. John T. Trengrove is hereby appointed the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Chapter 35 (Zoning) of the Municipal Code.

2. This resolution shall be maintained on file with the Office of the Municipal Clerk for public inspection.

1-23-08 Rich C. - Tam
Nancy H. - Surelian
COAH

CERTIFICATION

I, Colleen Scimeca, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on December 22, 2008.



COLLEEN SCIMECA, RMC, CMC
Municipal Clerk

Housing Element and Fair Share Plan

- vi. Planning Board Resolution of
Adoption of Housing Plan

Resolution No. 37-2008
Resolution of Planning Board of the Borough of Manasquan
Adopting the Housing Element and Fair Share Plan

WHEREAS, the Planning Board of the Borough of Manasquan, County of Monmouth, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on December 3, 1991; and

WHEREAS, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b (3); and

WHEREAS, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

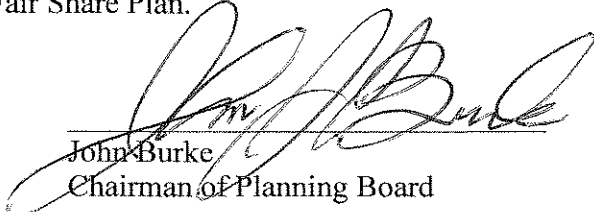
WHEREAS, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total 1987-2018 fair share obligation of the Borough of Manasquan; and

WHEREAS, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Borough of Manasquan held a public hearing(s) on the Housing Element and Fair Share Plan on December 23, 2008; and

WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Borough of Manasquan's December 3, 1991 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Planning Board hereby adopts the December 11, 2008 Housing Element and Fair Share Plan.


John Burke
Chairman of Planning Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of the Borough of Manasquan, County of Monmouth, on December 23, 2008


Mary C. Salerno
Planning Board Secretary

Housing Element and Fair Share Plan

- | | |
|------|---|
| vii. | Governing Body Resolution of
Endorsement and Petition for
Certification |
|------|---|

**BOROUGH OF MANASQUAN
RESOLUTION
152-08**

**Resolution of the Borough Council of the
Borough of Manasquan Petitioning the Council
on Affordable Housing with an Adopted Housing
Element and Fair Share Plan**

WHEREAS, the Planning Board of the Borough of Manasquan, County of Monmouth, State of New Jersey, adopted the Housing Element of the Master Plan on December 23, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on December 23, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Borough of Manasquan, County of Monmouth, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Borough of Manasquan Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Manasquan, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of Manasquan municipal clerk's office located at 201 East Main Street, during the hours of 9:00 a.m. to 4:00 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

I, Colleen Scimeca, Municipal Clerk of the Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at their meeting held on December 29, 2008.

December 29, 2008
Date

Scimeca
COLLEEN SCIMECA, RMC, CMC
Municipal Clerk

v. Housing Element and Fair
Share Plan

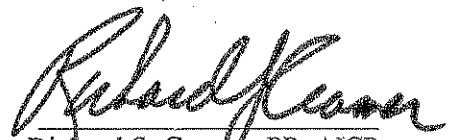
***MASTER PLAN AMENDMENT
HOUSING PLAN ELEMENT
AND FAIR SHARE PLAN***

BOROUGH OF MANASQUAN
MONMOUTH COUNTY, NEW JERSEY

ADOPTED BY THE BOROUGH PLANNING BOARD: December 23, 2008

ENDORSED BY THE BOROUGH COUNCIL: December 29, 2008

Prepared December 11, 2008 By:



Richard S. Cranter, PP, AICP
NJ Professional Planner
License No.: 2207



Eleven Tindall Road
Middletown, NJ 07748

The original of this document was signed and sealed in accordance with law.

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BOROUGH OF MANASQUAN
RESOLUTION
152-08

Resolution of the Borough Council of the
Borough of Manasquan Petitioning the Council
on Affordable Housing with an Adopted Housing
Element and Fair Share Plan

WHEREAS, the Planning Board of the Borough of Manasquan, County of Monmouth, State of New Jersey, adopted the Housing Element of the Master Plan on December 23, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on December 23, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Borough of Manasquan, County of Monmouth, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Borough of Manasquan Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Manasquan, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of Manasquan municipal clerk's office located at 201 East Main Street, during the hours of 9:00 a.m. to 4:00 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

I, Colleen Scimeca, Municipal Clerk of the Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at their meeting held on December 29, 2008.

December 29, 2008
Date

Colleen Scimeca
COLLEEN SCIMECA, RMC, CMC
Municipal Clerk

Resolution No. 37-2008
Resolution of Planning Board of the Borough of Manasquan
Adopting the Housing Element and Fair Share Plan

WHEREAS, the Planning Board of the Borough of Manasquan, County of Monmouth, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on December 3, 1991; and

WHEREAS, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b (3); and

WHEREAS, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

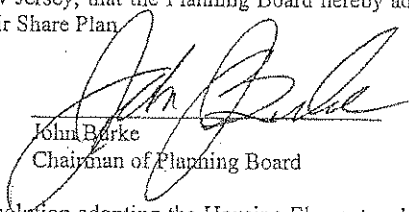
WHEREAS, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total 1987-2018 fair share obligation of the Borough of Manasquan; and

WHEREAS, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Borough of Manasquan held a public hearing(s) on the Housing Element and Fair Share Plan on December 23, 2008; and

WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Borough of Manasquan's December 3, 1991 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Planning Board hereby adopts the December 11, 2008 Housing Element and Fair Share Plan


John Burke
Chairman of Planning Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of the Borough of Manasquan, County of Monmouth, on December 23, 2008

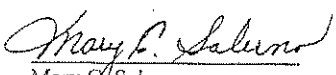

Mary C. Salerno
Planning Board Secretary

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APPENDICES

Appendix A: Growth Share Determination (COAH Workbook A)

Appendix B: Borough of Manasquan Accessory Apartment Ordinance

HOUSING PLAN ELEMENT

Introduction

The Borough of Manasquan, Monmouth County, has prepared this Housing Plan Element and Fair Share Plan in accordance with the requirements of the Mount Laurel Doctrine, the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.), and the State Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.).

The Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., requires that a municipal master plan include a Housing Plan Element in order for the municipality to exercise the power to zone and regulate land use. The Housing Plan Element and Fair Share Plan are adopted by the Borough Planning Board and endorsed by the Borough Council prior to submission to the New Jersey Council on Affordable Housing (COAH) for substantive certification. The Housing Plan Element and Fair Share Plan are drawn to achieve the goal of meeting the Borough obligation to provide for a fair share of the regional need for affordable housing.

This Housing Plan Element and Fair Share Plan amends the Borough Master Plan, as previously adopted and revised, to address the third round planning requirements of the Substantive Rules of the New Jersey Council on Affordable Housing (COAH).

Background to the Borough Housing Plan Element and Fair Share Plan

The Borough has further prepared this Housing Element to achieve the goal of providing affordable housing to address the Borough's total 1987-2018 cumulative affordable housing need. The Borough need is comprised of an unmet need from the Borough's 1987-1999 affordable housing obligation, a projected growth share based upon the growth that is projected to occur in Manasquan from 2004 to 2018, and a rehabilitation share of existing housing in substandard condition based on COAH estimates.

Manasquan received first round substantive certification for its initial fair share plan from the Council on Affordable Housing (COAH) on March 14, 1994. The Borough had a 1987-1993 pre-credited need of 224 units, consisting of 192 new construction units and 32 rehabilitation

units. The Borough's Housing Element and Fair Share Plan included a covered employment adjustment and a vacant land adjustment, both granted on September 8, 1993, by a COAH administrative order. Manasquan also received a first round vacant land adjustment that reduced the Borough's new construction component to zero. On March 6, 2000, Manasquan adopted its Housing Element and Fair Share Plan, and petitioned COAH for substantive certification for its cumulative first and second round obligation. COAH established a 1987-1999 pre-credited need for Manasquan Borough of 175 units, consisting of a 26-unit rehabilitation obligation and a 149-unit new construction obligation. Manasquan's prior covered employment adjustment was taken into consideration when COAH calculated the Borough's second round cumulative obligation, consisting of 149 new construction units. Manasquan proposed to address its remaining rehabilitation obligation through a rehabilitation program and to address the unmet need that resulted from the vacant land adjustment through a combination of the Borough's existing development fee ordinance and an overlay zone. The overlay zone permits development of multifamily housing with the requirement for a 20 percent setback.

Mandatory Contents of the Housing Element

Pursuant to the Fair Share Housing Act at N.J.S.A. 52:27D-310, the essential components of a local housing element are as follows:

- *An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated.*
- *A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next six years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.*
- *An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level, and age.*

- *An analysis of the existing and probable future employment characteristics of the municipality.*
- *A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity accommodate its present and prospective housing needs, including its fair share for low and moderate income housing.*
- *A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.*

In addition, COAH's substantive rules (NJAC 5:97) for the period from January 1, 2004 through December 31, 2018 require the following:

- *The household projection for the municipality as provided in Appendix F of NJAC 5:97;*
- *The employment projection for the municipality as provided in Appendix F of NJAC 5:97;*
- *The municipality's prior round obligation as provided in Appendix C of NJAC 5:97;*
- *The municipality's rehabilitation share as provided in Appendix B of NJAC 5:97; and,*
- *The projected growth share in accordance with the procedures in NJAC 5:97-2.4.*

The Housing Plan Element and Fair Share Plan include the required components, as outlined above.

ANALYSIS OF DEMOGRAPHIC, HOUSING, AND EMPLOYMENT CHARACTERISTICS

As required by N.J.S.A. 52:27D-310, all housing elements must contain a discussion of the community's demographic, housing, and economic characteristics. In fulfillment of this requirement, the following sections profile the Borough of Manasquan with information obtained from the U.S. Census Bureau, the Monmouth County Planning Board, and the New Jersey Department of Labor and Workforce Development.

Manasquan's Demographics

At the time of the 2000 U.S. Census, the Borough of Manasquan had a population of 6,310 residents (Table 1). This figure represents a 17.5 percent increase from the population of 5,369 residents that was reported in 1990. Similarly, the population of Monmouth County grew by 11.2 percent during the same time period.

Table 1: Population Trends, 1990-2006

	1990	2000	2006	% Change 1990-2000	% Change 2000-2006
Borough of Manasquan	5,369	6,310	6,341	17.5	0.5
Monmouth County	553,124	615,301	650,036	11.2	6.8

Source: US Census Bureau, Monmouth County Planning Board

According to the 2000 U.S. Census, the Borough's population is composed of 2,600 households, with an average household size of 2.43 members (Table 2). The average household size is smaller than both the State of New Jersey's average of 2.68 and the County's average of 2.70 persons per household. The Borough's percentage of population over 65 years of age, 14.9 percent, is higher than the County and the State. The median household income in Manasquan is higher than the State, but lower than the County's median.

Table 2: Demographic Indicators, 2000

	Number of Households	Average Household Size	Median Age	% of Population ≥ 65 years	Median Household Income
Borough of Manasquan	2,600	2.43	39.0	14.9	63,079
Monmouth County	224,236	2.70	37.7	12.5	64,271
New Jersey	3,064,645	2.68	36.7	13.2	55,146

Source: US Census Bureau

According to the 2000 U.S. Census, the Borough's median age of 39.0 years is higher than both the statewide median age of 36.7 years and the County's median age of 37.7 years (Table 2). As shown in Table 3, there were 391 pre-school age residents in 2000, or 6.2 percent of the Borough's population. School age children accounted for 1,226 residents, or 19.4 percent of the total population. Working age persons accounted for 59.3 percent of the Borough's population, with 3,751 individuals. Seniors aged 65 years and older accounted for 14.9 percent of Manasquan's population.

Table 3: Population by Age, 2000

	Number	% of Total
Pre-School Age		
Under 5 Years	391	6.2
School Age		
5 to 9 Years	425	6.7
10 to 14 Years	428	6.8
15 to 19 Years	373	5.9
Working Age		
20 to 24 Years	304	4.8
25 to 34 Years	783	12.4
35 to 44 Years	1,082	17.1
45 to 54 Years	960	15.2
55 to 59 Years	337	5.3
60 to 64 Years	285	4.5
Senior Age		
65 Years and Older	942	14.9

Source: US Census Bureau

Manasquan's Housing Stock

According to the 2000 U.S. Census, Manasquan had a total of 3,531 housing units (Table 4). This was an increase of 311 units since the 1990 U.S. Census. Of this total, 2,600 units (73.6 percent) were listed as occupied in 2000; owners occupied 71.1 percent of these units and renters occupied 28.9 percent. Monmouth County exhibits similar occupancy statistics, with 74.6 percent of all occupied housing units being owner occupied, and 25.4 percent being renter occupied.

Of the total of 2,600 households, the average household size was 2.43 persons and the average family size was 3.06 persons. These figures are smaller than the County and State figures. Of the total number of households, family households accounted for 1,635 (62.9 percent) and non-family households¹ for 965 (37.1 percent). Householders 65 years of age or older were present in 300 (11.5 percent) of households.

A total of 64.2 percent of the Borough's housing stock was constructed before 1960. The median year of construction, 1953, is older than the County median of 1967 and the State median year of 1962. The Borough's housing stock increased by approximately 9.7 percent from 1990 to 2000.

Table 4: Housing Characteristics, 2000

	Number	% of Total
I. Housing Units		
Number of units	3,531	100.0
Occupied Housing Units	2,600	73.6
Vacant Housing Units	931	26.4
Number of units (1990)	3,220	100.0
II. Occupancy/Household Characteristics		
Number of Households	2,600	100.0
Persons Per Household	2.43	N/A
Family Households	1,635	62.9
Non-Family Households	965	37.1
Householders 65 and over	300	11.5

Source: US Census Bureau

¹ A non-family household consists of a householder living alone or where the household shares the home exclusively with people to whom he or she is not related.

Table 4: Housing Characteristics, 2000 (Continued)

	Number	% of Total
III. Year Structure Built		
1999 to March 2000	103	2.9
1995 to 1998	86	2.4
1990 to 1994	104	2.9
1980 to 1989	226	6.4
1970 to 1979	234	6.6
1960 to 1969	512	14.5
1940 to 1959	1,199	34.0
1939 or earlier	1,067	30.2
IV. Condition of Units		
Lacking complete plumbing facilities	9	0.3
Lacking complete kitchen facilities	9	0.3
V. Home Value (Owner Occupied Units)		
\$500,000 and up	59	3.4
\$300,000 - \$499,999	584	33.0
\$200,000 - \$299,999	687	38.9
\$150,000 - \$199,000	318	18.0
\$100,000 - \$149,000	98	5.5
\$50,000 - \$99,999	22	1.2
\$0 - \$50,000	0	0.0
Median Value	\$265,300	N/A
VI. Gross Rental Value (Renter Occupied Units)		
\$1,500 and up	45	6.0
\$1,000 - \$1,499	130	17.3
\$750 - \$999	266	35.4
\$500 - \$749	192	25.6
\$200 - \$499	80	10.7
Less than \$200	11	1.5
No cash rent	27	3.6
Median Gross Rent	\$808	N/A

Source: US Census Bureau

The housing stock in Manasquan had only a limited number of substandard units at the time of the 2000 US Census, which indicates that the Borough had 9 units lacking complete plumbing facilities and 9 units lacking complete kitchen facilities. In addition, only 46 of the Borough's housing units (1.8 percent) exhibited overcrowded conditions (1.01 persons or more per room).

The 2000 median value of the owner-occupied housing units in Manasquan was \$265,300. This is higher than both the County and State median values of \$203,100 and \$170,800, respectively. Manasquan's median gross rent of \$808 per month is also higher than the County and State median gross rents of \$759 and \$751, respectively.

Housing units that have a monthly cost of less than 30 percent of gross household income are considered affordable. In Manasquan, 1,290 specified² owner-occupied units (73 percent of all owner-occupied units) and 433 renter-occupied units (57.6 percent of all rental units) are considered affordable (Table 5).

Table 5: Housing Affordability as a Percentage of 1999 Household Income

	Number	% of Total
Selected Monthly Owner Costs		
< 15%	465	26.3
15% to 19%	298	16.9
20% to 24%	274	15.5
25% to 29%	253	14.3
30% or more	139	7.9
Not Computed	339	19.2
Gross Rent		
< 15%	142	18.9
15% to 19%	115	15.3
20% to 24%	94	12.5
25% to 29%	82	10.9
30% or more	281	37.4
Not Computed	37	4.9

Source: US Census Bureau

Manasquan's Employment

At the time of the 2000 U.S. Census, 3,328 of Manasquan's residents (67.3 percent) aged 16 years and over were employed in the civilian labor force (Table 6). 39.7 percent of the civilian labor force was involved in management, professional, and related occupations, while 31 percent of those employed in the civilian labor force were employed in sales and office-related occupations. Service occupations employed 14 percent of Manasquan residents that were employed in the civilian labor force. Construction, extraction, and maintenance-related occupations employed 6.6 percent of the Borough's residents, whereas production, transportation, and material-moving occupations employed 8.4 percent of the Borough's residents that were employed in the civilian labor force. Only 0.3 percent of the Borough's civilian labor force was employed in farming, fishing, and forestry.

² Specified owner-occupied units do not include residences where a business activity (i.e., professional offices as an accessory use) takes place.

Table 6: Occupation of Employed Civilian Population, Aged 16 and Over, 2000

	Number	% of Total
Management, Professional, and Related	1,289	39.7
Service	455	14.0
Sales and Office	1,007	31.0
Farming, Fishing, and Forestry	9	0.3
Construction, Extraction, and Maintenance	214	6.6
Production, Transportation, and Material Moving	273	8.4

Source: US Census Bureau

In 1999, the median household income in Manasquan was \$63,079 up \$23,768 from the 1989 household income of \$39,311 (Table 7). After adjusting for inflation, however, this represents an increase in household income of 16.3 percent, or \$10,263 (inflation-adjusted). In 2000, per capita income was \$32,898, which places the Borough at 162 out of 566 municipalities (New Jersey Department of Labor and Workforce Development).

Table 7: Household Income, 1999

	Number	% of Total
Less than \$10,000	102	3.9
\$10,000 to \$14,999	81	3.1
\$15,000 to \$24,999	226	8.7
\$25,000 to \$34,999	227	8.8
\$35,000 to \$49,999	330	12.7
\$50,000 to \$74,999	624	24.1
\$75,000 to \$99,999	400	15.4
\$100,000 to \$149,999	374	14.4
\$150,000 to \$199,999	125	4.8
\$200,000 or More	104	4.0
Median Household Income (Dollars)	\$63,079	N/A

Source: US Census Bureau

With regard to the number of jobs that are located within the Borough, the New Jersey Department of Labor indicates that there was an average of 5,952 jobs located within the municipality in 2006, which is the latest available data. This is down 316 jobs (5 percent) from the 2004 average of 6,268 jobs. The Department of Labor's basis for this information is the number of jobs that are covered by public unemployment and disability insurance.

MUNICIPAL AFFORDABLE HOUSING OBLIGATION

The Borough affordable housing obligation consists of three components. These are:

- The rehabilitation share, which is a measure of overcrowded and deficient housing that is occupied by low and moderate income households.
- The prior round obligation from 1987-1999; and,
- The municipal “growth share” need for the period 2004 to 2018. The growth share links the actual production of affordable housing to municipal development and growth.

Rehabilitation Obligation

Appendix B of NJAC 5:97 indicates that Manasquan’s rehabilitation obligation is 31 units.

The Borough’s rehabilitation obligation will be addressed in its Fair Share Plan.

Total Remaining Obligation

Appendix C of NJAC 5:97 indicates that the Borough’s total remaining obligation is 149 units.

The Borough’s plan will address the prior round obligation and unmet need in its Fair Share Plan.

Growth Share

Appendix F of NJAC 5.97 indicates that the Borough’s projected growth share is 5 units.

Manasquan accepts COAH’s municipal housing and employment growth projections.

The Borough’s growth share obligation will be addressed in its Fair Share Plan.

MUNICIPAL ABILITY TO ACCOMMODATE AFFORDABLE HOUSING OBLIGATION

Adequacy of Municipal Zoning Plan to Accommodate Projected Growth

The Borough of Manasquan has reviewed its municipal zoning plan. COAH has projected a low level of growth for the community and the Borough zone plan is adequate to accommodate the projected growth.

Anticipated Land Use Patterns

The Borough of Manasquan is a fully developed community with an established pattern of land use and a limited capacity for growth. Given the developed nature of Manasquan Borough, the anticipated land use pattern in the municipality will be similar to the established pattern and consistent with the zone plan of the community.

Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Future Demographic Characteristics

Manasquan is a developed community and the projected residential and non-residential growth is expected to be the result of limited infill and small scale private redevelopment efforts. Given Manasquan's limited growth potential, it is anticipated that the Borough's future characteristics will be similar to the existing demographic characteristics and that the anticipated demand for the types of uses needed can be met by the current zoning plan.

Availability of Existing and Planned Infrastructure

Manasquan Borough has an existing developed infrastructure and as a result no significant infrastructure expansions are currently planned. The Borough has existing water and sanitary sewer services and the existing infrastructure is believed to have adequate capacity to handle the limited projected growth.

Economic Development Policies

As a built out community, Manasquan's economic development policies relate to enhancement of the existing residential and commercial areas and maintenance of the current character of the Borough.

Constraints on Development

Manasquan is a fully developed coastal community with no vacant land. The constraints to development include a lack of vacant developable land, coastal flood hazards, and stream corridors and surface waters.

Identification of Potential Affordable Housing Sites

The plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

The most appropriate location within the Borough for affordable housing is the Affordable Housing Overlay Zone that the Borough has implemented as part of its prior round plan. The Overlay Zone consists of the following:

- Block 82, Lot 5601 C0001 35A Euclid Avenue
C0002 35B Euclid Avenue
C0003 35C Euclid Avenue

- Block 73, Lots 78 142 Morris Avenue
81 140 Morris Avenue
83 138 Morris Avenue
85 136 Morris Avenue
87 134 Morris Avenue
89 132 Morris Avenue
91 130 Morris Avenue
93 128 Morris Avenue

FAIR SHARE PLAN

Components of the Fair Share

Pursuant to COAH's third round regulations, the Borough's fair share responsibility is based upon three components: (1) the rehabilitation obligation; (2) the total remaining obligation from the prior round 1987-1999; and, (3) the growth share obligation for 2004 to 2018.

COAH's methodology defines the rehabilitation share of a municipality's affordable housing obligation as the number of substandard or deteriorated units that are occupied by low or moderate households based on 2000 Census data. COAH has assigned Manasquan a rehabilitation obligation of thirty-one (31) units.

The total remaining prior round obligation assigned to the Borough by COAH's regulations is one hundred forty-nine (149) units. The Borough of Manasquan has a vacant land adjustment approved by COAH as part of the prior round substantive certification of the Borough plan. The adjustment determined that the Borough has a realistic development potential (RDP) of zero (0) units.

The Borough's growth share component accounts for new residential and nonresidential growth projected to be constructed in Manasquan from January 1, 2004 through December 31, 2018. As shown in Appendix A, Manasquan has a projected growth share obligation of five (5) affordable housing units based upon COAH's growth projections.

Fulfillment of the Rehabilitation Obligation

The Borough will address its rehabilitation obligation of 31 units through its continued participation in the Monmouth County Housing Improvement Program. The program is administered by the Monmouth County Community Development Program through an intergovernmental agreement between Manasquan Borough and Monmouth County. The Borough will continue to use development fees to fund all or a portion of its rehabilitation obligation. To date, the Borough has completed fifteen (15) rehabilitations, five (5) of which were completed prior to 2000. The Borough will apply the ten (10) rehabilitations completed

after 2000 toward its rehabilitation obligation of 31 units, leaving the Borough a remaining rehabilitation obligation of 21 units.

Fulfillment of Total Remaining Obligation from Prior Rounds and Unmet Need (1987-1999)

The Borough of Manasquan's prior round obligation is 149 units. However, as previously noted, the Borough has an approved vacant land adjustment that determined that the Borough had a realistic development potential (RDP) for 0 units, leaving an unmet need of 149 units.

The Borough of Manasquan has in place two mechanisms to address its unmet need. First, the Borough will keep its Affordable Housing Overlay Zone in place to attempt to foster the development of affordable housing within designated overlay areas.

The overlay zone permits development of multi-family housing in accordance with the R-M regulations for multi-family units with a requirement for a twenty (20) percent setaside for low and moderate income units. The R-M zone permits a density of ten (10) dwelling units per acre on 40,000 square foot lots. The Overlay Zone would permit development on lots of 20,000 square feet or greater.

In addition, the Borough has an adopted development fee ordinance that allows the collection of fees from both residential and non-residential development projects. The Borough will modify the development fee ordinance to address changes to COAH rules and the Statewide Non-residential Development Fee Act to continue to assess and collect development fees with which it will finance the creation of affordable housing to address unmet need as well as growth share.

Fulfillment of Growth Share Obligation

The Borough has calculated a growth share obligation of five (5) affordable units. This growth share obligation will be addressed through an accessory apartment program that will be adopted by ordinance and subsequently implemented by the Borough. A significant portion of the Borough housing stock is older. Approximately 30.2% was constructed prior to 1939. Another 34% was constructed from 1939 to 1959. Given the characteristics of its housing stock and the current economic downturn, the Borough believes that an accessory apartment program will be successful. In accordance with N.J.A.C. 5:97-6.8(b), the following provisions shall apply to the

Borough of Manasquan's accessory apartment program:

1. The Borough will provide a minimum of \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment or \$25,000 to subsidize the creation of each low-income accessory apartment. The subsidies may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
2. All accessory units shall be supplied with public water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartments.

In addition, the accessory apartment ordinance will include the following provisions:

- The bulk requirements of the zone in which the accessory apartment is to be created shall be met.
- The accessory apartment will only be rented to a low and moderate-income household at the time of the initial occupancy.
- The Borough will alternate one low and one moderate unit to maintain the 50/50 split.
- The units will be affirmatively marketed to the housing region.
- Affordability controls shall be maintained for a minimum of 10 years.
- An administrative entity will be designated to run the local program.
- Rent increases shall be in accordance with COAH-approved percentages.
- The ordinance will not restrict the number of bedrooms in each accessory unit.
- In accordance with N.J.A.C. 5:80-26.3(d) and (e) of the Uniform Housing Affordability Controls (UHAC), the maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income.

A draft Affordable Accessory Apartment Ordinance will be provided to COAH for approval.

Implementation Schedule

The Borough will complete its 31-unit rehabilitation obligation by 2018. Three (3) units will be completed annually by the Borough between 2009 and 2012, two (2) units will be completed annually between 2013 and 2016, and one (1) unit will be completed in 2017.

To fulfill its five-unit projected growth share obligation, the Borough of Manasquan will complete five (5) accessory apartments by 2011, the year of COAH's first biannual review.

Should the actual growth share obligation be higher than projected by COAH, the Borough of Manasquan will implement other measures as deemed necessary and appropriate by the Borough, and in accordance with COAH regulations, to address the actual growth share obligation, including, but not necessarily limited to, the creation of additional accessory apartments.

**APPENDIX A:
GROWTH SHARE DETERMINATION
(COAH WORKBOOK A)**

Workbook A: Growth Share Determination Using Published Data
(Using Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections
Must be used in all submissions

Municipality Name:

Borough of Manasquan

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2) *	27	-239
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
built or projected to be built post 1/1/04		
Inclusionary Development	0	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		0
4 Net Growth Projection	27	-239
5 Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	5.40 Affordable Units	0.00 Affordable Units
6 Total Projected Growth Share Obligation		5 Affordable Units

* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Borough of Manasquan

Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04

Development Type

Number of COs
Issued and/or Projected

Supportive/Special Needs Housing
Accessory Apartments
Municipally Sponsored and 100% Affordable
Assisted Living
Other

Total

0

Market and Affordable Units in Prior Round Inclusionary Development

Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
Total		0	0	0	0

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name		Affordable Units Provided	Permitted Jobs Exclusion
			0
			0
			0
			0
Total		0	0

[Return To Workbook A Summary](#)

**APPENDIX B:
BOROUGH OF MANASQUAN ACCESSORY
APARTMENT ORDINANCE**

Borough of Manasquan
Draft Affordable Accessory Apartment Ordinance

I. Purpose

An affordable accessory apartment ordinance is hereby enacted for the purpose of providing additional opportunities for affordable low income housing in the Borough of Manasquan.

II. Definitions

An accessory apartment is a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance which is created to be occupied by a low income household. The accessory apartment shall be created within specified zone districts in an existing building or in an addition to an existing building.

III. Minimum Standards

All affordable accessory apartment units shall meet the following requirements:

- a. The affordable accessory apartment shall be located in the following zone districts only: (Insert Zone Districts)
- b. The Borough of Manasquan shall provide a minimum of \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment or \$25,000 to subsidize the creation of each low-income accessory apartment. The subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with the Borough of Manasquan ensuring that (i) the subsidy shall be used to create the accessory apartment and (ii) the apartment shall meet the requirements of this ordinance and COAH regulations;
- c. All accessory apartments created shall have 10-year controls on affordability;
- d. The number of bedrooms per unit shall not be restricted.
- e. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of the median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income;
- f. The bulk requirements of the zone in which the accessory apartment is created shall be met;
- g. There shall be water and sewer infrastructure to serve the proposed accessory apartments;

- h. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all local building codes;
- i. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale within the requirements of paragraphs (c) and (d) above;
- j. Each accessory apartment shall have living/sleeping space, cooking facilities, a kitchen sink and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom;
- k. The accessory apartment shall have a separate door with direct access to the outdoors;
- l. The accessory apartment shall be affirmatively marketed to the housing region.

IV. Administration

The Borough of Manasquan shall administer or designate an administrative entity to administer the accessory apartment program.

- a. The administration of the accessory apartment program shall include advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory apartment program;
- b. The Borough shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements, the municipal development ordinance, or this ordinance. All denials shall be in writing with the reasons clearly stated; and

V. Submission Requirements

Applicants for the creation of an accessory apartment shall submit the following to the Borough:

- a. Floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;
- b. Elevations showing the modification of any exterior building façade to which changes are proposed; and

- c. A site development sketch showing the location of an existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with minimum building setback lines; the required parking spaces; and any man-made conditions which might affect construction.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon publication following final passage and the filing of a copy hereof with the Planning Board of Monmouth County, as provided by law.